

CITY OF TIGARD, OREGON

ORDINANCE NO. 05- 06

AN ORDINANCE ADOPTING THE SPECIALTY CODE NAME CHANGE, SECTIONS AN109.4.2 THROUGH AN109.4.3 OF SUCH SPECIALTY CODE - ALTERNATE FIRE SPRINKLER SYSTEM REQUIREMENTS, AND INCLUDING DEMOLITION IN THE SCOPE OF THE ADOPTED SPECIALTY CODES.

WHEREAS, the State of Oregon has adopted a new residential specialty code on April 1, 2005; and

WHEREAS, Oregon Administrative Rule 918-001-0006 has changed the name from the Oregon 1&2 Family Dwelling Specialty Code to the Oregon Residential Specialty Code; and

WHEREAS, the scope of this code has expanded to include some apartment buildings within a narrow scope; and

WHEREAS, some apartment buildings regulated by this code are permitted to be non-sprinklered; and

WHEREAS, Sections AN109.4 and AN109.4.1 grants authority to the local jurisdiction to adopt the Alternate Fire Sprinkler System Requirements of AN109.4.2 through AN109.4.3; and

WHEREAS, the previous building code regulating these structures required the same level of fire sprinkler protection as required by this new code; and

WHEREAS, it is necessary to adopt these provisions so as not to reduce the level of fire safety for these buildings; and

WHEREAS, the State of Oregon has removed demolition from the scope of the codes; and

WHEREAS, local jurisdictions are granted authority by the State of Oregon to write their own administrative procedures; and

WHEREAS, it is deemed necessary that the City of Tigard require permits for demolition of structures to verify abatement of sanitary, electrical, erosion control and life safety issues,

NOW, THEREFORE, THE CITY OF TIGARD ORDAINS AS FOLLOWS:

SECTION 1: The City of Tigard adopts the specialty code name change from the Oregon 1&2 Family Dwelling Specialty Code to the Oregon Residential Specialty Code as shown in Exhibit A.

SECTION 2: The City of Tigard adopts the provisions of Sections AN109.4.2 though AN109.4.3 of the Oregon Residential Specicialy Code for Alternate Fire Sprinkler System Requirements as shown in Exhibit B.

SECTION 3: The City of Tigard amends Tigard Municipal Code Section 14.04.030 Subsection 1. to include demolition within the scoping provisions of the specialty codes as shown in Exhibit A.

SECTION 4: This ordinance shall be effective immediately after its passage by the Council, signature by the Mayor, and posting by the City Recorder.

PASSED: By Unanimous vote of all Council members present after being read by number and title only, this 26th day of April, 2005.

Catherine Wheatley
Catherine Wheatley, City Recorder

APPROVED: By Tigard City Council this 26th day of April, 2005.

C. A. Dirksen
Craig Dirksen, Mayor

Approved as to form:

Matthew V. Kame
City Attorney

4.26.05
Date

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* Strikeouts are deleted language

* **Bold underline** is revised language

Chapter 14.04 BUILDING CODE.

Sections:

- 14.04.010 Title.
- 14.04.020 Definitions.
- 14.04.030 State Codes Adopted.
- 14.04.040 Administration.
- 14.04.050 Repealed By Ord. 96-10.
- 14.04.060 Repealed By Ord. 01-25.
- 14.04.065 Electrical Program Administration.
- 14.04.070 Occupancy Restriction Recordation.
- 14.04.090 Violation--Penalty--Remedies.

14.04.010 Title.

This chapter shall be known as the building code ordinance and may also be referred to as "this chapter," or the "building code." (Ord. 86-53 §2(Exhibit A §1), 1986).

14.04.020 Definitions.

For the purpose of Sections 14.04.010 through 14.04.090, the following terms shall mean:

1. Building Official. "Building Official" means the designee or designees appointed by the Director of Community Development who is responsible for building inspections and enforcement of the building code.

2. State Building Code. "State building code" means the combined specialty codes as listed in Section 14.04.030. (Ord. 86-53 §2(Exhibit A §2), 1986).

14.04.030 State Codes Adopted.

1. Except as otherwise provided in this chapter, the following codes, standards and rules are adopted and shall be in force and effect as part of this Municipal Code. **The provisions of these codes, in addition to their individual scoping provisions found therein, shall also apply to demolition of structures, equipment and systems regulated by such codes:**

a. Under the authority of ORS 455.150 (effective 9/5/95), the City of Tigard administers those specialty codes and building requirements adopted by the state which the City of Tigard is granted authority to administer, including: the Structural, Mechanical, Plumbing, Electrical and ~~One and Two Family Dwelling Residential~~ Specialty Codes; mobile or manufactured dwelling parks requirements; temporary parks requirements; manufactured dwelling installation, support and tiedown requirements and park or camp requirements (as listed in ORS 455.153);

b. Appendix Chapter J of the International Building Code, as published by the International Code Council, regarding Excavation and Grading, including the recognized standards for Appendix Chapter J listed in Chapter 35 of the 2003 International Building Code;

c. Section 104.8 of the 2003 International Building Code, as published by the International Code Council, regarding Liability.

d. AN109.4.2 through AN109.4.3 of the State of Oregon Residential Specialty Code for alternate fire sprinkler system requirements.

2. At least one copy of each of these specialty codes shall be kept by the Building Official and the Tigard Public Library, and shall be available for inspection upon request. (Ord.

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01-25, Ord. 99-04; Ord. 96-10; Ord. 93-04 §1, 1993; Ord. 90-14 §1, 1990).

14.04.040 Administration.

1. The City shall provide a program of building code administration, including plan review, permit issuing and inspection for structural, electrical, mechanical and plumbing work. The program shall be administered by the Building Official, under the supervision of the Community Development Director. The program shall operate pursuant to the state specialty codes listed in Section 14.04.030 and the remainder of this chapter.

2. Administration and enforcement of Appendix Chapter J, Excavation and Grading, as adopted by Section 14.04.030.1.b., shall be by the Building Official and City Engineer. Where the term "Building Official" is used in Appendix Chapter J, it shall mean either the Building Official or City Engineer.

3. Fees for permits and other related services pursuant to the building code administration program shall be established by resolution of the City Council. (Ord. 99-08; Ord. 96-10; Ord. 95-16; Ord. 93-04 §2, 1993; Ord. 86-53 §2(Exhibit A §4), 1986).

14.04.050 Repealed By Ord. 96-10.

14.04.060 Repealed By Ord. 01-25.

14.04.065 Electrical Program Administration.

1. Permit Required - Except as permitted by OAR 918-261-0000 through 0036 - electrical work exempt from permit, Subsection 14.04.065.15 of this section for minor installations, Subsection 14.04.065.16 of this section for temporary electrical permits and Subsection 14.04.065.17 of this section for

industrial plant electrical permits, no electrical work shall be performed unless a separate electrical permit for each separate building or structure has first been obtained from the Building Official.

2. Expiration of Permits - Permits shall expire pursuant to OAR 918-309-0000 (7).

3. Validity of Permit - The issuance of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of other ordinances of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

The issuance of a permit based upon plans, specifications, computations and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications, and other data or from preventing building operations being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

4. Revocation of Permits - The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of other ordinances or regulation of the jurisdiction.

5. Plan Review Requirements - Electrical plan reviews shall be required. Plan review requirements and procedures shall be as stipulated in OAR 918-311-0000 through 0060.

6. Expiration of Plan Review - Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data

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submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

7. Permit Fees - Fees for electrical permits shall be established by resolution of the City Council.

8. Investigation Fees: Work without a Permit.

a. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

b. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this code if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

9. Fee Refunds.

a. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.

b. The Building Official may authorize refunding of not more than 80

percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

c. The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The Building Official shall not authorize refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

10. Right of Entry. When it is necessary to make an inspection to enforce the provisions of this section or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this section which makes the building or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this section provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

11. Corrections and Stop Orders. When any work is being done contrary to the provisions of this section, the Building Official may order the work corrected or stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and such persons shall forthwith make the necessary

EXHIBIT B

1. Governing language that allows local jurisdictions to adopt these sections of the Oregon Residential Specialty Code

AN109.4 Alternate fire sprinkler system requirements. The requirements of this section are adopted by the State of Oregon for optional use in municipalities.

AN109.4.1 Local adoption. The provisions of AN109.4.2 or AN109.4.3 apply only when specifically adopted by the local authority having jurisdiction.

2. Specific code sections that will be adopted

AN109.4.2 Group R-2 occupancies. An automatic sprinkler system shall be installed throughout every apartment house regulated by this appendix chapter.

Exception: Automatic sprinkler systems are not required in apartment house buildings that are not more than one story in height and do not contain a basement or mezzanine. Such buildings shall not contain more than 16 dwelling units.

AN109.4.2.1 Sprinkler heads. Residential or quick response automatic sprinkler heads shall be used within the dwelling units.

AN109.4.3 Alteration or damage of existing non-sprinklered low-rise residential dwellings. Where substantial alterations are made or substantial damage occurs to an existing non-sprinklered building designed and constructed under the provisions of this appendix, an approved automatic sprinkler system complying with NFPA 13D shall be installed only in the altered or damaged dwelling units. When more than 50 percent of the dwelling units within a building are substantially altered or damaged, the entire building shall be provided with a NFPA 13D sprinkler system.